

Fenwick Island Town Council
Minutes of the Special Meeting of September 2, 2009

Approved 2.1.2010

Call to order with a flag salute by Mayor Serio at 11:00 AM.

Council Members Present: Serio, Bunting, Carmean, Smallwood, Weistling, Tingle, Langan

Other Attendees: Win Abbot, Chief William Boyden

Motion to approve minutes of Special Council meeting 8/17/09 – Gardner Bunting

Second – Todd Smallwood

No Discussion

Vote: All in favor

Motion passed (7-0)

Motion to approve minutes of Special Council Executive Session meeting 5/29/09 – Vicki Carmean

Second – Gardner Bunting

Discussion

Mayor Serio advised that Town Solicitor Tempe Steen provided the minutes. Council Member Weistling noted that these relate to a personnel issue and should be dealt with in closed session. Secretary Diane Tingle advised that the vote to approve must take place at a public meeting and that all copies in council's possession will be destroyed with the exception of one copy to be filed.

Vote: All in favor

Motion passed (7-0)

Motion to approve minutes of Special Council meeting 6/5/09 – Vicki Carmean

Second – Gardner Bunting

No Discussion

Vote: All in favor

Motion passed (7-0)

Motion to approve minutes of Special Council Executive Session meeting 6/5/09 – Vicki Carmean

Second – Gardner Bunting

No Discussion

Vote: All in favor

Motion passed (7-0)

Motion to approve minutes of Special Council Executive Session meeting 6/16/09 – Gardner Bunting

Second – Vicki Carmean

No Discussion

Vote: All in favor

Motion passed (7-0)

Discuss prospective grants and capital expenditures

- Town Manager Abbott provided background on the DEMA grant to retro-fit the sign at Town Hall. A DEMA representative visited the office to discuss audit procedures with him. Mr. Abbott advised that this grant is on a reimbursement basis and requested Council's approval to spend funds pending reimbursement. Mayor Serio authorized Mr. Abbott to review the grant with Council Member Weistling and to take the next step.

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Motion to borrow funds from Realty Transfer Tax Funds to purchase the retro-fit sign and to replace the funds when reimbursed – Council Member Bunting

Second – Council Member Langan

Discussion - Council Member Carmean advised that she will not vote in favor of the sign retro-fit

Vote: Six in Favor; Carmean “no”

Motion Passed; (6-1)

- Police Department Marine Unit – Town Manager Abbott provided a copy of Chief of Police Boyden’s 6/30/09 Memo to Council. Chief Boyden offered a history of his proposal. Chief noted that he has done fact-finding only and not applied for a grant to fund the project as this is an “earmark” and requires documented support of surrounding communities before being considered. Chief Boyden has garnered support from DNREC, DSP, Wilmington City Police, US Coast Guard and Virginia Beach (VA) Police. A recent story in the Delaware Wave reported on the project but did not contact Chief Boyden for comment. Chief Boyden advised that he has applied for a Byrne Grant (\$8,000) to purchase solar-powered speed signs for the town.

Discussion

Council Member Weistling asked if these funds could be used for some other purpose than a Marine Unit. Chief Boyden advised that earmarks are intended for projects which cannot be funded by other means. Mayor Serio asked if Council will support the Chief’s efforts to pursue earmarked funds specifically for a marine unit.

Council Member Smallwood – No; no need for it

Council Member Weistling – No need for it; wait until such time as a full-time officer can be hired for it

Council Member Bunting – No; agrees that 1 or more full time officers are needed for the patrol

Council Member Langan – Yes; should continue to pursue

Council Member Carmean – No; increases personnel needs; this is DNREC’s responsibility; public should be active in reporting violators; no plan to fund after initial three years; a new public safety building should be a priority.

Mayor Serio – Continue to pursue realizing that it is a bigger project than outlined here provided it’s done properly

Council Member Tingle – No; likes the idea but sees bigger issues of staffing and upkeep

Public Participation

Pete Frederick (1605 Bunting Ave) – does not believe this project can be implemented without additional cost(s). Chief Boyden advised that this particular type of boat is low draft/low maintenance for one operator and that State funding can be obtained for additional man-hours and maintenance. Mr. Frederick also noted that FIPD responds to numerous complaints in support of the State Police and that the town can only patrol the canals. Chief Boyden advised that the town’s borders extend to 1 mile beyond the town limits.

Motion to pursue a Marine Police Unit – Council Member Carmean

Second – Council Member Smallwood

Vote: One in favor (Langan); Six opposed

Motion failed (1-6)

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- DNREC Parks & Recreation Land Acquisition Grant – Mayor Serio advised that the Town is eligible for pre-application status and asked if Council thinks they want to pre-apply.

Discussion

Council Member Weistling noted that the letter states that the town is eligible to apply for assistance for park and greenway acquisition or for park and trail development projects so the gist of what is being voted on is not just the purchase of land. Mayor Serio agreed and that the town should pre-apply in order to obtain the package that will outline what will be considered. Town Manager Abbott advised that he has a pre-application package and that the Town must supply specific information on a specific project. Council Member Langan asked if sidewalks are considered trails. Mr. Abbott advised that the park grant offers guidance on structures and that includes pavilions, ball fields, etc and land acquisition for their purpose. A sidewalk will be considered if it is part of a project. The open space/recreational area must be available to the public and not used to generate profit.

Motion to proceed with preliminary Park and Recreation Acquisition application – Council Member Carmean

Second – Council Member Langan

Discussion

Council Member Weistling objected to spending town funds on acquiring park area.

Mayor Serio suggested re-locating assets.

Council Member Carmean believes this is an opportunity that should be explored.

Council Member Weistling noted that the grant does not indicate that a land purchase can be used to swap assets and that it must be used for a park.

Vote: Six in favor; Council Member Weistling voted “no”

Motion passed: (6-1)

- DEDO Comprehensive Economic Development Strategy priority projects list – Town Manager Abbott explained that this is a Federally-administered program. There are two categories: Public Works and Economic Development and Training and Technical Assistance. It is possible that the Town could request assistance with its Pedestrian Plan under this grant.

Discussion

Council Member Bunting questioned if the town might use this grant to fund a new public safety building. Town Manager Abbott noted that the number of permanent jobs created as a result of the project will be a key determining factor.

Council Member Tingle noted that sidewalks and a public safety building should be included if considering this grant.

Council Member Weistling advised that the State of Delaware owns the property where sidewalks are/will be. He questioned the reason why the town would fund the project. Town Manager Abbott advised that this might be considered as a match.

Public Participation

Pete Frederick (1605 Bunting Ave) – noted that the State of Delaware owns the land where sidewalks are/will be and the State should be the one to ask for the funding. Mr. Frederick suggested that the town forward to Sen. Kauffman the Town Pedestrian Plan as a possible earmark.

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Discussion

Council member Carmean – would like to explore funds for a public safety building

Mayor Serio – advised that the DeIDOT Pedestrian Plan should be funded.

Motion to authorize Town Manager to proceed with exploring the DEDO grant – Council Member Carmean

Second – Council Member Smallwood

Vote: All in favor

Motion passed: (7-0)

Other Business:

Council Member Weistling questioned if the Budget Committee will meet again to discuss capital expenditures. Council Member Bunting advised the next meeting of the Budget Committee is September 15, 2009 @9AM. This will be the first of a series of quarterly meetings.

Council Member Bunting motioned to adjourn the meeting.

Council Member Carmean seconded.

All in Favor.

Meeting adjourned at 12:05 PM

Respectfully submitted,

Diane Tingle, Council Secretary

DT/adip